

1 ANDRÉ BIROTTE JR.
 United States Attorney
 2 ROBERT E. DUGDALE
 Assistant United States Attorney
 3 Chief, Criminal Division
 CAMERON L. SCHROEDER (SBN 255016)
 4 Assistant United States Attorneys
 OCDETF Section
 5 1400 United States Courthouse
 312 North Spring Street
 6 Los Angeles, California 90012
 Telephone: (213) 894-0596
 7 Facsimile: (213) 894-0142
 email: cameron.schroeder@usdoj.gov
 8

E-FILED: 12/28/10

Attorneys for Plaintiff
 9 UNITED STATES OF AMERICA

10 UNITED STATES DISTRICT COURT

11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,)	CR No. 10-602-GHK
)	
13 Plaintiff,)	<u>[proposed] FINDINGS REGARDING</u>
)	<u>EXCLUDABLE TIME PERIODS PURSUANT</u>
14 v.)	<u>TO SPEEDY TRIAL ACT AND ORDER</u>
)	<u>REGARDING STATUS CONFERENCE</u>
15)	
16 VICTOR MANUEL HURTADO, III,)	NEW STATUS CONFERENCE DATE:
et al.,)	1/18/2011 9:30 A.M.
17)	
18 Defendants.)	

19
 20 Having heard from plaintiff, the United States of America,
 21 by and through its counsel of record, Assistant United States
 22 Attorney Cameron L. Schroeder, and defendants VICTOR MANUEL
 23 HURTADO, III, MICHAEL ANGEL MONSIVAIS, DAVID LYLE DARNALL,
 24 FREDRICK MALGRA GARCIA, JR., LORENA AGUIRRE, CRYSTINE MINCHAU
 25 RAMIREZ, and ANTHONY JESUS RAMIREZ (collectively, "defendants"),
 26 both individually and by and through their counsel of record, at
 27 status conferences held before this Court on December 14, 2010
 28

1 and December 20, 2010, and good cause appearing, the Court hereby
2 FINDS AS FOLLOWS:

3 1. The Indictment in this case was filed on June 9, 2010,
4 and made public on June 16, 2010. Defendants HURTADO, MONSIVAIS,
5 DARNALL, GARCIA, and AGUIRRE first appeared before a judicial
6 officer of the court in which charges in this case were pending
7 on June 16, 2010. The Speedy Trial Act, 18 U.S.C. § 3161,
8 originally required that the trial commence as to these
9 defendants on or before August 24, 2010. Defendants CRYSTINE
10 RAMIREZ and ANTHONY RAMIREZ first appeared before a judicial
11 officer of the court in which charges in this case were pending
12 on June 22, 2010. The Speedy Trial Act, 18 U.S.C. § 3161,
13 originally required that the trial commence as to these
14 defendants on or before August 30, 2010.

15 2. On June 16, 2010, the Court set a trial date of July
16 27, 2010, and a status conference date of July 12, 2010 at 3:30
17 p.m. as to defendants HURTADO, MONSIVAIS, DARNALL, GARCIA, and
18 AGUIRRE. On June 28, 2010, the Court set a trial date of August
19 3, 2010, and a status conference date of July 12, 2010 at 3:30
20 p.m. as to defendants CRYSTINE RAMIREZ and ANTHONY RAMIREZ. On
21 July 8, 2010, the status conference was continued as to all
22 defendants to July 19, 2010 at 10:00 a.m. On July 19, 2010, the
23 Court held a status conference with all parties who have
24 appeared. After inquiring regarding the status of the case, the
25 Court vacated the trial date and set a new status conference date
26 of August 30, 2010. The Court found the interim period to be
27 excluded in computing the time within which the trial must
28 commence, pursuant to the Speedy Trial Act. On August 31, 2010,

1 this Court held a second status conference in this case. After
2 inquiring regarding the status of the case, the Court set a new
3 status conference date of October 19, 2010. The Court found the
4 interim period to be excluded in computing the time within which
5 the trial must commence, pursuant to the Speedy Trial Act. On
6 October 19, 2010, this Court held a third status conference in
7 this case. After inquiring regarding the status of the case, the
8 Court set a new status conference date of November 30, 2010. The
9 Court found the interim period to be excluded in computing the
10 time within which the trial must commence, pursuant to the Speedy
11 Trial Act. On its own motion, the Court thereafter moved the
12 status conference date from November 30, 2010 to December 14,
13 2010.

14 3. Defendants HURTADO, MONSIVAIS, DARNALL, and GARCIA are
15 detained pending trial; defendants AGUIRRE, CRYSTINE RAMIREZ and
16 ANTHONY RAMIREZ were granted bond pending trial. The parties
17 estimate that the trial in this matter will last approximately 8
18 to 10 days. All defendants are joined for trial and a severance
19 has not been granted.

20 4. Defendants are charged with violations of 21 U.S.C.
21 §§ 841(a)(1), 846, 18 U.S.C. § 922(g), and 18 U.S.C. § 924(c).
22 The government has produced and/or made available discovery to
23 the defense, including wiretap pleadings, hundreds of recordings
24 of telephone conversations and controlled narcotics transactions,
25 and approximately two thousand of pages of and FBI, local police,
26 and other agency reports.

27 5. On December 14, 2010, this Court held a fourth status
28 conference in this case. Defendants appeared in person with

1 counsel of record or substitute counsel, with the exception of
2 defendants AGUIRRE, CRYSTINE RAMIREZ and ANTHONY RAMIREZ, who
3 have filed waivers pursuant to Fed. R. Crim. P. 43. Upon request
4 of defendants through counsel, the Court set a new status
5 conference date of January 18, 2011, at 9:30 a.m. as to
6 defendants HURTADO, MONSIVAIS, GARCIA, AGUIRRE, CRYSTINE RAMIREZ
7 and ANTHONY RAMIREZ. Each of these defendants knowingly and
8 voluntarily waived his or her rights under the Speedy Trial Act
9 and indicated on the record that he or she did not object to the
10 continuance. On December 20, 2010, this Court held a further
11 status conference with respect to defendant DARNALL. Defendant
12 appeared in person with his counsel of record. The Court set a
13 new status date as to defendant DARNALL of January 18, 2011 at
14 9:30 a.m. Defendant DARNALL knowingly and voluntarily waived his
15 rights under the Speedy Trial Act and indicated on the record
16 that he did not object to the continuance. This Order
17 supplements the findings and orders made by the Court at these
18 conferences.

19 6. Due to the nature of the prosecution and the number of
20 defendants, including the charges in the indictment and the
21 voluminous discovery produced to defendants, this case is so
22 unusual and so complex that it is unreasonable to expect adequate
23 preparation for pretrial proceedings or for the trial itself
24 within the Speedy Trial Act time limits.

25 7. Counsel for defendants require additional time to
26 confer with defendants, conduct and complete an independent
27 investigation of the case, conduct and complete additional legal
28 research including for potential pre-trial motions, review the

1 discovery and potential evidence in the case, and prepare for
2 trial in the event that a pretrial resolution does not occur.

3 8. Each defendant's counsel has conferred with his or her
4 client regarding each defendant's rights under the Speedy Trial
5 Act. In addition, the Court inquired of each present defendant
6 in open court regarding his/her Speedy Trial Act rights. Each
7 defendant stated that he/she understands his/her rights under the
8 Speedy Trial Act and that he/she knowingly and voluntarily waives
9 those rights and agrees to the schedule included in this Order.

10 9. The government does not object to the continuance.

11 10. The continuance is not based on congestion of the
12 Court's calendar, lack of diligent preparation on the part of the
13 attorney for the government or the defense, or failure on the
14 part of the attorney for the Government to obtain available
15 witnesses.

16 11. The ends of justice served by the continuance outweigh
17 the best interest of the public and defendants in a speedy trial.

18 12. Failure to grant the continuance would be likely to
19 make a continuation of the proceeding impossible, or result in a
20 miscarriage of justice.

21 13. Failure to grant the continuance would unreasonably
22 deny defendants continuity of counsel and would deny defense
23 counsel the reasonable time necessary for effective preparation,
24 taking into account the exercise of due diligence.

25 Accordingly, the Court finds that there are facts that
26 support a further continuance of the trial date in this matter,
27 and good cause for a finding of excludable time pursuant to the
28 Speedy Trial Act, 18 U.S.C. § 3161.

1
2 THEREFORE, FOR GOOD CAUSE SHOWN:

3 1. A new status conference is set for January 18, 2011 at
4 9:30 a.m.

5 2. The time period of November 30, 2010 to January 18,
6 2011, inclusive, is excluded in computing the time within which
7 the trial must commence, pursuant to 18 U.S.C. §§ 3161(h)(7)(A),
8 (h)(7)(B)(i), (h)(7)(B)(ii), and (h)(7)(B)(iv).

9 3. All defendants not in custody and without Rule 43
10 waivers on file with the Court shall appear in Courtroom 650 of
11 the Federal Courthouse, 255 E. Temple Street, Los Angeles,
12 California on January 18, 2011 at 9:30 a.m.

13 4. Nothing in this Order shall preclude a finding that
14 other provisions of the Speedy Trial Act dictate that additional
15 time periods are excluded from the period within which trial must
16 commence. Moreover, the same provisions and/or other provisions
17 of the Speedy Trial Act may in the future authorize the exclusion
18 of additional time periods from the period within which trial
19 must commence.

20 IT IS SO ORDERED.

21
22 12/28/10
DATE



THE HONORABLE GEORGE H. KING
UNITED STATES DISTRICT JUDGE

23
24 Presented by:
25 /s/
CAMERON L. SCHROEDER
26 Assistant United States Attorney
27
28